

## REMARKS

By this amendment, claim 53 is revised to render it formally dependent from the perfume composition of claim 43 instead of now non elected claim 24. Claims 24, 25, 39 and 40 are non elected claims.

Claims 26- 38, 41 and 42 are amended to render them dependent from Claim 43.

Currently, after the election and amendment made claims 26- 38, 41-57 are before the Examiner for consideration on their merits.

### **I- RESTRICTION REQUIREMENT under 35 USC 121**

In the outstanding office action, the Examiner has made a restriction requirement. That is, the Examiner requests a restriction to one of the following inventions under 35 U.S.C. 121:

GROUP I - claims 24-52 drawn to a composition free of alcohol comprising hydrofluoro-ether component, classified in class 252, sub-class 364;

GROUP II - claims 53-55, drawn to a method for solubilizing an alcohol-free perfume concentrate, 438, classified in class 423, sub-class 658.5;

GROUP III - claims 56-57 drawn to an alcohol-free perfume composition, classified in class 512, sub-class 1.

The examiner argues that in view of newly cited US patent 6,228,282 (Himimura et al.) there is not anymore a single general inventive concept between the different species of the three above cited GROUPS, so that an election is required.

### **II- RESPONSE TO RESTRICTION REQUIREMENT WITH TRAVERSE AND AMENDMENT**

**1°) Election of GROUP III with traverse and amendment of dependency of claims 26- 38, 41-42 to render them dependent from perfume composition Claim 43 believed to properly belong to GROUP III.**

In view of the newly cited prior art which discloses an refrigerator oil composition, Applicant has decided to elect the perfume composition of GROUP III with traverse as relates the citation of claims 43-52 in GROUP I and the election between GROUP II and III, and to amend dependency of claims 26- 38, 41-42 to render them dependent from Claim 43 which is an independent claim on a perfume composition belonging to the elected species of "perfume composition" of GROUP III as motivated below.

### **2° Traverse with regard to citation of claims 43-52 in GROUP I**

It is apparent that the examiner has overlooked that claims 43-52 relate to a **perfume composition** comprising a perfume concentrate, a hydrofluoroether component and at least one polyacid ester; and that claim 43 is of broader scope as more specific perfume composition claims 56-57.

In view of this elected GROUP III has to accurately comprise all perfume composition claims 43-52 and 56-57. GROUP III has also to include sub-claims 26-38 and 41-42 as resulting from the dependency amendment as explained herebelow.

### **3°) Amendment of claims 26- 38 and 41-42 to render them dependent from perfume composition claim 43**

In view of the election of perfume composition claims to which should accurately belong claims 43- 52, sub-claims 26-38 and 41-42 are hereby amended to render them dependent from **elected** independent perfume composition claim 43 so that they belong to the elected GROUP III.

### **4°) Traverse with regard to The method claims of GROUP II as being a different group**

With regard to the method for solubilizing of invention II, to avoid any discussion about the belonging to the elected GROUP III, method claim 53 has been formally amended by the present amendment to prepare the perfume composition of claim 43 which belongs to the elected GROUP III.

In view of this, it is apparent that claim 53 is a method for solubilizing an alcohol-free perfume concentrate which compulsorily requires the formation of the composition of claim 43.

In view of this, there is a formal complete link between invention II and invention III.

In conclusion, by the present election of the perfume composition species and traverse, the Examiner's restriction requirement is believed to be completely responded to.

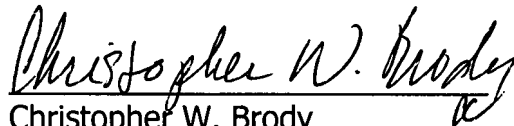
**III- DISCUSSION ABOUT PATENTABILITY AND ALLOWABILITY OF THE ELECTED CLAIMS 26-38, 41, 42, 43-57**

Since the newly cited US prior art relates to a refrigerator oil composition wherein the essential main components are an alicyclic acid component combined with a specific epoxy component, and the presence of a perfluoroether is only incidental, the invention to a specific perfume composition having specific solubility problems, the elected claims are clearly allowable other the prior art.

In conclusion, reconsideration and allowance of this application is respectfully requested.

Please charge any shortages or credit, any overpayments to Deposit Account No. 50-1088.

Respectfully submitted,  
CLARK & BRODY

  
Christopher W. Brody  
Registration No. 33,613

Customer No. 22902  
1090 Vermont Ave., N.W., Suite 250  
Washington DC 20005  
Telephone: 202-835-1111  
Facsimile: 202-835-1755

Docket No.: 71247-0003  
Date: May 4, 2007